

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY MEXICO PRIORITY

C O N F I D E N T I A L STATE 306330

E.O. 11652:GDS

TAGS: SHUM, MX.

SUBJECT: HUMAN RIGHTS REPORTS

ARA HAS BEEN ASKED TO PREPARE UNCLASSIFIED HUMAN RIGHTS REPORTS TO ACCOMPANY THE FY 78 CONGRESSIONAL PRESENTATION DOCUMENT FOR 17 ARA COUNTRIES INCLUDING MEXICO. THE REPORT SHOULD BE SUFFICIENTLY CANDID TO AVOID CHARGES OF WHITEWASH AND DISCREET ENOUGH TO PRECLUDE EMBARRASSMENT TO OUR FOREIGN RELATIONS AND INFORMATIVE BUT NON-JUDGEMENTAL

WE WOULD APPRECIATE EMBASSY'S COMMENTS OR CONCURRENCE ON THE FOLLOWING DRAFT REPORT:

I. POLITICAL SITUATION

JOSE LOPEZ PORTILLO WAS INAUGURATED ON DECEMBER 1, FOR A SIX-YEAR TERM AS MEXICO'S PRESIDENT. HE WAS THE CANDIDATE OF THE INSTITUTIONAL REVOLUTIONARY PARTY (PRI), WHICH IS THE DOMINANT POLITICAL FORCE IN MEXICO. THE
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PAN, THE STRONGEST OF THE OPPOSITION PARTIES, WAS INTERNALLY DIVIDED AND DID NOT NOMINATE A PRESIDENTIAL CANDIDATE.

THE MEXICAN POLITICAL SYSTEM HAS BEEN DESCRIBED AS A STABLE ONE-PARTY DEMOCRACY. AUTHORITY IS CONCENTRATED IN

THE PRESIDENCY, AND IS EXERCISED THROUGH AN INFORMAL, BUT WIDE-RANGING, PROCESS OF CONSULTATION WITH ORGANIZED INTEREST GROUPS.

II. LEGAL SITUATION

THE MEXICAN CONSTITUTION OF 1917 IS CONSISTENT WITH THE PRINCIPAL ARTICLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND ALSO CONTAINS AN EXTENSIVE LIST OF SOCIAL AND ECONOMIC RIGHTS. CONSTITUTIONAL PROVISION FOR STATE OF EMERGENCY EXISTS, BUT HAS NEVER BEEN INVOKED. IN ADDITION, MEXICAN LEGAL PRACTICE RECOGNIZES THE RIGHT OF AMPARO A UNIQUELY LATIN AMERICAN PROTECTION PROVIDED THE CITIZEN AGAINST "COERCIVE AND ABUSIVE ACTS OF AUTHORITIES."

MEXICO IS A PARTY TO THE UN CHARTER, THE OAS CHARTER, THE VIENNA CONSULAR CONVENTION, AND VARIOUS UN HUMAN RIGHTS CONVENTIONS.

THE MEXICAN GOVERNMENT MAINTAINS THAT PERSONS RESPONSIBLE FOR POLITICALLY MOTIVATED KIDNAPPINGS, MURDERS, BOMBINGS AND BANK ROBBERIES HAVE COMMITTED ORDINARY CRIMES AND SHOULD BE SO PUNISHED. SUCH ACTS HAVE BEEN LARGELY DIRECTED AT WEALTHY INDUSTRIALISTS AND LOW LEVEL POLICE OFFICIALS. IN MAY, THE DAUGHTER OF THE BELGIAN AMBASSADOR WAS KIDNAPPED, HELD FOR RANSOM AND SUBSEQUENTLY RELEASED. IN AUGUST, A SISTER OF LOPEZ PORTILLO WAS THE OBJECT OF AN

ASSASSINATION ATTEMPT, IN WHICH A TERRORIST AND A POLICEMAN WERE KILLED.

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III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS

A. INTEGRITY OF THE PERSON

ARTICLE 3: THE RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSON IS GENERALLY RESPECTED IN MEXICO. HOWEVER, AS NOTED ELSEWHERE IN THIS DOCUMENT, REPORTS OF HUMAN RIGHTS VIOLATIONS ARE NOT INFREQUENT.

ARTICLE 5: REPORTS OF CRUEL AND DEGRADING TREATMENT ARE NOT INFREQUENT AND ALMOST INVARIABLY REFER TO THE PRE-ARRAIGNMENT PERIOD OF DETENTION.

ARTICLE 8: ACCESS TO LEGAL REMEDIES TO PROTECT THE CITIZEN AGAINST "COERCIVE AND ABUSIVE ACTS OF (GOVERNMENTAL) AUTHORITIES" IS AVAILABLE THROUGH THE MEXICAN LE-

GAL PRACTICE OF AMPARO.

ARTICLE 9: MEXICO HAS A LONG TRADITION OF CIVIC FREEDOM AND IS A HAVEN FOR VICTIMS OF ABUSE AND EXILES FROM OTHER COUNTRIES. HOWEVER, ARBITRARY ARRESTS AND DETENTIONS OCCASIONALLY OCCUR OF POLITICAL OPPOSITIONISTS ACCUSED OF ILLEGAL ACTIVITIES. CHARGES ARE NORMALLY NOT BROUGHT AND DETAINEES ARE RELEASED AFTER QUESTIONING.

ARTICLE 10: FAIR HEARINGS ARE GENERALLY AVAILABLE; ADEQUATE PROCEDURES TO PROTECT THE RIGHTS OF PRISONERS MAY BE LACKING DURING THE PREARRAIGNMENT DETENTION.

ARTICLE 11: FAIR TRIALS ARE NORMALLY AVAILABLE. COUNTER-TERRORISTS ACTIONS DO NOT ALWAYS AFFORD PROCEDURAL GUARANTEES.

B. OTHER IMPORTANT FREEDOMS
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FREEDOM OF EXPRESSION, ASSEMBLY, PRESS AND OTHER RIGHTS ARE ENJOYED WITHIN WIDE LIMITS, ALTHOUGH DIRECT CRITICISM OF THE PRESIDENCY IS GENERALLY MUTED. THE CONSTI-

TUTION RESTRICTS THE PUBLIC EXERCISE OF RELIGION BUT RELIGIOUS FREEDOM EXISTS IN PRACTICE.

IV. OTHER HUMAN RIGHTS REPORTING

NO COMMUNICATIONS ABOUT MEXICO APPEAR IN THE ANNUAL REPORT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS FOR THE YEAR 1975. ONE COMMUNICATION APPEARED IN THE 1974 REPORT BUT WAS DISMISSED FOR LACK OF MERIT.

THE SUBCOMMITTEE ON INTERNATIONAL POLITICAL AND MILITARY AFFAIRS OF THE COMMITTEE ON INTERNATIONAL RELATIONS OF THE U.S. HOUSE OF REPRESENTATIVES PUBLISHED A REPORT ENTITLED, U.S. CITIZENS IMPRISONED IN MEXICO, CONCERNING VIOLATIONS OF THE HUMAN RIGHTS OF AMERICANS APPREHENDED IN MEXICO ON CHARGES OF NARCOTICS POSSESSION. MANY OF THESE AMERICANS HAVE REPORTED MISTREATMENT AND ABUSE PARTICULARLY AT THE TIME OF ARREST.

THE SECTION ON MEXICO IN THE AMNESTY INTERNATIONAL REPORT 1975-1976 DEALS MAINLY WITH THE AMNESTY MISSION SENT TO THAT COUNTRY IN JUNE 1975. THE MISSION VISITED TWO PRISONS, WHERE INMATES "CLAIMED TO HAVE BEEN HELD WITHOUT WARRANT FOR MORE THAN THE STATUTORY 24 HOURS." IN MISSION DISCUSSION WITH THE FEDERAL ATTORNEY GENERAL, THE

LATTER DID NOT CONCEDE THAT HUMAN RIGHTS HAD BEEN VIOLATED

BY THE MEXICAN AUTHORITIES, BUT HE DID EXPRESS WILLING-
NESS TO RESPOND TO ANY AMNESTY QUESTIONS.

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THE AMNESTY MISSION FOUND THAT ALTHOUGH THE MEXICAN
CONSTITUTION CONTAINS STRINGENT PROVISIONS AGAINST ARBI-
TRARY ARREST AND DETENTION THEY ARE COMMONLY DISREGARDED.
THE MISSION ALSO CONSIDERED THAT "TORTURE IS VIRTUALLY
ENCOURAGED BY THE PREVAILING LEGAL DOCTRINE IN MEXICO
WHICH PLACES UNDUE IMPORTANCE ON CONFESSIONS WHILE GIVING
LITTLE WEIGHT TO RETRACTIONS."

THE REPORT ALSO NOTED THAT A MARCH, 1976 GENERAL
AMNESTY HAD BEEN DECLARED FOR ALL THOSE IMPLICATED IN THE
TLATELOLCO STUDENT DISTURBANCES OF 1968.

FREEDOM HOUSE LISTS MEXICO AS "PARTLY FREE."

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